

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE NEW ENGLAND COMPOUNDING  
PHARMACY CASES

Master Docket No. 12-cv-12052 (FDS)

THIS DOCUMENT RELATES TO:

All Actions

**JOINT MOTION TO CONVERT THE FEBRUARY 15, 2013 STATUS CONFERENCE  
TO A TELEPHONIC SCHEDULING CONFERENCE**

The parties jointly move the Court for an order converting the status conference set for February 15, 2013, to a telephone scheduling conference. This motion is made for three reasons.

First, the Judicial Panel on Multidistrict Litigation has not, as of the time of this submission, adjudicated the pending petition for coordination and consolidation in one venue. While the Panel is likely to coordinate the matters and designate the U.S.D.C. -- Massachusetts, the decision remains outstanding. Assuming Boston is chosen, there is insufficient time to formally notify all counsel in all cases of the hearing date (and expect them to participate without a formal decision of the Panel).

Second, even if the Panel issues a decision today, it would be problematic for the many interested lawyers to make travel arrangements to Boston on short notice. As a practical matter, plaintiffs' counsel organize themselves and begin discussing proposed leadership arrangements around the date of the first status conference. Plaintiffs' counsel currently before this court would not want to give the appearance of disenfranchising counsel who chose to file in other venues by holding a status conference on short notice to non-Massachusetts lawyers (though we recognize that the status conference has been scheduled for some time). The recent blizzard and its consequent flight cancellations will likely make travel more difficult.

Third, a status conference would be an inefficient use of the Court's and the lawyers' time. As not all interested counsel could be present, many procedural or substantive issues would likely have to be revisited at the next status conference.

Accordingly, counsel for the parties suggest that converting Friday's conference to a telephone scheduling conference will serve the purpose of providing a status update to the Court about the litigation, as well as selecting a date (after school vacation week) when a status conference can be convened on appropriate notice so that all interested parties having the opportunity to appear.

The parties also request that the stay of discovery imposed by the Court's Order dated January 14, 2013, be extended until the next in-person status conference.

Dated: February 11, 2013

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Kristen Johnson Parker, hereby certify that I caused a copy of the above Joint Motion to Convert the February 15, 2013 Status Conference to a Telephonic Scheduling Conference be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Dated: February 11, 2013

/s/ Kristen Johnson Parker  
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